



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Allison Davis Tuck
Jones Day
51 Louisiana Avenue NW
Washington DC 20001

JUL 27 2018

RE: MUR 7396
Beth Lindstrom for US Senate, Inc.
and Cabell Hobbs, as treasurer

Dear Ms. Tuck:

On June 4, 2018, the Federal Election Commission ("Commission") notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On July 25, 2018, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that Beth Lindstrom for US Senate, Inc. and Cabell Hobbs in his official capacity as treasurer, violated provisions of the Act. The Commission then closed its file in this matter. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). If you have any questions, please contact Kristina Portner, the attorney assigned to this matter, at (202) 694-1518.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

A handwritten signature in black ink, appearing to read "Jeff S. Jordan", is written over the typed name of the Assistant General Counsel.

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure:
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7396

Respondents: Beth Lindstrom for US Senate,
Inc. and Cabell Hobbs, as
Treasurer ("the Committee")¹

Complaint Receipt Date: May 29, 2018

Response Date: June 18, 2018

EPS Rating:

Alleged Statutory

52 U.S.C. § 30120(a)(1), (c)

Regulatory Violations:

11 C.F.R. § 110.11(a)(1), (b)(1), (c)(2)

The Complaint alleges that a printed card disseminated by the Committee contained a "paid for" disclaimer that violated the Commission's regulations because the printing was too small, too light, and did not contrast sufficiently with its background.² The Response states that the disclaimer complies with the regulations because it is the same type size as the text immediately above it, and the color contrast (dark blue ink on a solid white background) is sufficient.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the

¹ Beth Lindstrom is a 2018 candidate for the U.S. Senate from Massachusetts. Beth Lindstrom for US Senate, Inc. is her principal campaign committee.

² Although not raised in the Complaint, we note that the disclaimer is not contained in a printed box as required by 52 U.S.C. § 30120(c)(2) and 11 C.F.R. § 110.11(c)(2)(ii).

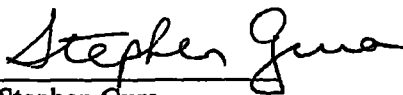
unlikeliness the general public would have been confused as to who was responsible for the printed card, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

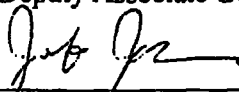
Lisa J. Stevenson
Acting General Counsel

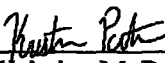
Kathleen M. Guith
Associate General Counsel

June 29, 2018
Date

BY:


Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel


Kristina M. Portner
Attorney